

PRELIMINARY RESEARCH PROPOSAL
KING COUNTY DISTRICT COURT MISDEMEANANTS WHO RECIDIVATE

THEODORE R. BUNDY, CONSULTANT TO
DEPARTMENT OF BUDGET & PROGRAM PLANNING

1/26/73

A. GOALS AND OBJECTIVES

(1) Reason for Study. Contained in the grant application for a King County Department of Corrections is a statement which summarizes the goal of the corrections system as "the reduction of crime through the reduction of recidivism." However, while section on 'Goals' continues by stating that "the corrections system in King County is not as successful in preventing recidivism as we might hope", it concludes with the finding that "it is not possible to be very specific about the extent of the recidivism problem among misdemeanants who are the principal target of this corrections program...."

The absence of information on the rearrest and conviction record of persons previously tried and convicted of misdemeanor offenses in King County is attributed by the grant proposal to a criminal justice system "not clearly oriented toward the reduction of recidivism." The consequences of such a "disorientation" has been noted by Bob Homan in his study of corrections in King County. Homan wrote, "Collecting information about clients is a most complicated process in the King County Criminal Justice System. There is no single bank of information about people who have entered and passed through the local criminal justice system.... The existing situation requires a search through many and diverse files."

The current inability to evaluate the effectiveness (as defined by recidivism) of local courts and corrections programs is seen by Clarence Shrag to be part of a broader, more pervasive problem:

We have, in effect, two competing models of correctional treatment. One is official and based on the concept of punishment. Arrest leads to conviction and punitive reactions. The other is unofficial, founded on a philosophy of supportive services. Information regarding an offense is collated; diagnosis is made; the problem is referred to an appropriate agency; and corrective measures are taken with little concern for stigma or punishment.

...Hence the models can be combined in many ways. It is conceivable the various combinations assessed by examining their practical consequences. The main problem is an almost total absence of information or informational procedures. So long as such information is not available to serve as a basis for comparison, it seems rather pointless to argue the merits of the official alternatives. Work on this aspect has hardly begun.

The King County Administration and the County Council have reached a point where the "official alternatives" must be compared to determine the relative merits of several corrections alternatives open to them: a Department of Corrections with expanded services to clients, a city-county consolidation to form a Department of Corrections without expanded services, or a Department of Corrections with no consolidation *or no change at all in organization* or expanded service. It is toward such a comparison that this study was conceived.

Inadequacies in data collection and evaluation on corrections in King County have produced two primary deficiencies:

- a. The degree to which existing corrections programs benefit offenders (measured chiefly by diversion from future contacts with the criminal justice system) is not known.
- b. The lack of effective evaluation has left planning personnel without an understanding of (1) what unmet

needs led to recidivism, and (2) what supportive services should be added to meet those needs.

This study is designed to provide a measure of past performance and, at least, a partial understanding of current needs.

(2) Target Study Population. The study is designed to measure arrest and conviction records of persons subsequent to a baseline arrest and conviction in each of the twelve district courts in King County.

(3) End Product. The study will establish relationships between recidivism and numerous crime, demographic and disposition categories, *and aspects of current efforts which appear to reduce recidivism on the basis of evidence available.*

B. OBJECTIVES OF ANALYSIS

(1) Definition of Recidivism. A uniform definition of what constitutes recidivism is the only firm base upon which recidivism rates can be determined. Recidivism rates have heretofore lacked uniformity. What is one investigator's recidivism may be another's measurement of success. The types of recidivism to be encountered in this study shall be placed into five operationally descriptive categories which permit specific classification of all types of recidivism. These classes are arranged in order of seriousness of the violations they implied, and for purposes of analysis each recidivist will eventually be placed which best describes his most serious offense after passing through the District Court system. The categories are:

- a. Subsequent conviction of felony
- b. Subsequent conviction of gross misdemeanor
- c. Subsequent arrest with no conviction
- d. Returned to custody as a violator of probation
- e. No finding of recidivism

To examine recidivism in such a way permits the identification of future criminal behavior patterns by the seriousness of the offense. Past studies have frequently failed to make any distinction between these or similar categories.

(2) Analysis of Data. All elements under investigation will be coded, computer punched and analyzed using hardware supplied by King County System Services. Among the relationships that could conceivably be shown are: the crime categories (property offenses, offenses against persons, etc.) where the greatest rates of recidivism occur; the time differentials between first and second, second and third, and third and fourth offenses; type of sentence as a function of recidivism; and age, sex, race, and employment status as functions of recidivism rates.

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The exact presentation of results is under examination. Presently under consideration are several graphic and tabular techniques used in similar studies (Battelle, Municipal Court, Schmid and Schmid).

C. METHOD

(1) Sample Selection. For the limited purposes of this study the population shall consist of all non-traffic misdemeanors

filed in the twelve district courts between January 1, 1969 and December 31, 1969. The Washington State Court Administrator's annual report for 1969 will be obtained and from this report will be extracted the total number of criminal filings during that period. Contingent on the size of the total case load, a sample size will be determined and a random selection procedure employed to select specific cases from the district court criminal docket. (See Stage 1 of the section on Data Elements Collections Stages.)

(2) Data Elements Collection Stages. The following stages generally describe the systematic and chronological collection of information:

Collection Stage 1

|| The criminal docket of each district court will be surveyed and cases randomly selected. At the time of selection data contained on the docket sheet and in the case file will be entered on the data collection form (See section on description of coding). In addition, each non-traffic criminal case, whether selected for study or not, will be recorded on a census sheet with the following descriptive elements: age, sex, and race of defendant, charge, and sentence imposed.

Collection Stage 2

There is no central filing of either district court or county prosecutor record for criminal cases. Therefore, it will also be necessary to examine the prosecutor's records on district court cases at the local district court where they are filed. After the cases have been selected

and essential court information entered, the prosecutor's files, which contain valuable information on prior records, will be studied.

Collection Stage 3

After all district courts have been visited and the entire sample population chosen, the focus of the study will move to the Records and Investigation Division of the King County Department of Public Safety. Here information regarding prior and subsequent arrest records will be entered. Since Public Safety records do not contain entries regarding the complete nature of the court disposition, it will be necessary to return to the appropriate court to obtain the disposition in cases where a subsequent arrest has been indicated.

Collection Stage 4

Due to the fact (1) that many persons arrested in the county for misdemeanor offenses reside within the Seattle city limits, and (2) that Seattle represents a variety of opportunities to commit crime, there is a high probability that a subject in the study may recidivate in Seattle and be arrested by the Seattle Police Department. For these reasons a search of the Seattle Police files is warranted. Since S.P.D. maintains computer files it may be possible to simply transfer recidivist information without the use of a code sheet. ||

Collection Stage 5

All cases showing rearrest and trial, but no disposition was entered in the police agency record, will be traced back to the appropriate court (Municipal or District Court). The collection process will proceed in the same manner as in Stage 1.

(3) Time Table.

January 12 to February 2 - Development and refinement of research tool.

Due February 5 to March 2 - Select sample and record court/prosecutor data.

March 5 to March 23 - Examination of law enforcement agencies files.

March 26 to April 6 - Follow-up search through district court dockets.

April 6 to April 30 - Incorporation of computer analyzed data into presentation modalities; write final report on findings of evaluation.

(4) Data Elements Descriptive Coding. The elements and related codes contained in this section are the result of an initial effort to include what was thought to be both essential and available. More than any other part of the methodology section this coding section is likely to undergo considerable change. ?

Data sources (police, courts, prosecuting attorney) vary in format and completeness of information. A survey of the various cooperating agencies records has revealed that the information categories most often omitted are those dealing with the demographic characteristics of the defendant. For this reason the suggested coding list does not currently include codes for such things as marital status, number of dependents, use of alcohol, receiving public assistance, years of schooling completed, and several other potentially valuable variables.

During the next week a number of persons will be asked to review this coding system and make their own suggestions and refinements.

1. Name
(first initial, last name)
2. District Court No.
3. Date of Birth
4. Sex and Race

	male	female
Mex-Amer	x	5
Neg-Amer	1	6
Anglo-Amer	2	7
Amer Indian	3	8
Other	4	9

(specify) _____
5. Age at first arrest (years)
6. Number of Prior Arrests
 xNone
 1-2-3-4-5-6-7-8-9 or more
7. Number of Prior Juvenile Convictions
 xNone
 1-2-3-4-5-6-7-8-9 or more

8. Number of Prior Adult Convictions

xNone

1-2-3-4-5-6-7-8-9 or more

26
☐

9. Number of Prior Prison Sentences

xNone

1-2-3-4-5-6-7-8-9 or more

27
☐

10. Date of Study Arrest

28 29 30 31 32 33
☐☐☐☐☐☐

11. Type of Arrest

x Unknown/not stated

1 Non-warrant

2 Warrant

3 Citizen

4 Transferred for

34
☐

12. Filing Charge

Offense classification code

35 36
☐☐

13. Release Action

1 Custody

2 Bail

3 Personal Recognizance

4 Other

(specify) _____

37
☐

14. Failure to Appear Occurred at

x None

1 Preliminary appearance

2 Trial

3 Sentencing

38
☐

15. Court Disposition

39 40
☐☐

Charge not substantiated

xx Dismissed, not proven,
or found not guilty

01 No disposition, taken off calendar

Charge Substantiated, No Transfer of Custody

11 warned, adjusted, counseled

12 informal supervision initiated

13 fine or restitution only

14 sentence deferred

15 suspended sentence only

16 other (specify) _____

Charge Substantiated, Transfer of Custody to:

30 Jail term only

31 Jail with fine or restitution

32 Jail with formal probation

33 Jail, probation and fine or restitution

34 Probation with fine or restitution

35 Probation only, active supervision

36 Halfway house

37 Other community placement

38 Individual

39 Other (specify) _____

16. Presentence report requested
x No 1 Yes

41
☐

17. Date of disposition

42 43 44 45 46 47
☐☐☐☐☐☐

(Subsequent Record)

First rearrest

18. Date of arrest

48 49 50 51 52 53
☐☐☐☐☐☐

19. Arresting agency
1 KC Dept. Public Safety
2 Seattle Police Dept.
3 Other (specify) _____

54
☐

20. Arrest Allegation
Offense classification code

55 56
☐☐

21. Disposition
Sentencing classification code

57 58
☐☐

22. District Court No.

59 60 61 62
☐☐☐☐

CRIME COMMISSION BULLETIN

AND CHERRY BUILDING
SEATTLE, WASHINGTON 98104
PHONE 381-6940

VOLUME III, NUMBER 4

SPECIAL CHRISTMAS ISSUE

WHITE COLLAR CRIME STUDY

In his forward to Herbert Edelhertz's May, 1970 monograph *'The Nature, Impact and Prosecution of White-Collar Crime,'* Henry Ruth, director of the National Institute of Law Enforcement and Criminal Justice, wrote, "In addressing the research priorities, the National Institute has developed an intensive concern that so-called "white collar crime" receives scant attention from the law enforcement and research communities." He continued by saying that "the entire field of white collar crime represents a national priority for action and research - to define the problem, to examine its many faces, to measure its impact, to look for ways in which its victims can be helped, and to determine how such crime can be prevented, deterred and effectively prosecuted."

For anyone wishing to study this area the initial problem is one of definition, understanding the scope of the activities labelled "white-collar crime". Edelhertz, in his monograph, defined it broadly as "an illegal act or series of illegal acts committed by non-physical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage." Charity and religious frauds, frauds by agents writing false policies, food and drug violations, padding payrolls, expense account frauds and frauds by computer, causing false payouts are just a few of the activities that fall under the term of white-collar crime. Given such a broad range of offenses it becomes clear the boundaries between organized crime, consumer protection, and white-collar crime are somewhat ambiguous. Nevertheless the problem of enforcement and prevention remains.

The Seattle Crime Commission is currently studying the question of how it may become involved in development of preventive remedies in this area and to what extent it may become appropriately involved. The Commission is very fortunate to have the council and assistance of two well known experts in this field. The first, Commission member and psychologist, Dr. Ezra Stotland has engaged in the study of the social scientific aspects of white-collar crime for many years. The second, formerly Chief of the Fraud Section, Criminal Division, U.S. Department of Justice and presently with Battelle N.W. Research

Center, is Herbert Edelhertz, whose monograph on white-collar crime remains the principle, most authoritative work in the field. Mr. Edelhertz has expressed a good deal of enthusiasm at the prospect of the Crime Commission's entrance into this area, and hopes that the Commission's activities may coincide with his own research.

During the first couple months of 1973 Commission members and staff will consult with law enforcement and prosecutive agencies and engage in research to define the nature of the problem as it exists in Seattle and across the nation as well as the specific kinds of contributions it can make toward the control of white-collar crime.



Commission Director, Tom Sampson (center) discusses plans for white collar crime study and seminar with Ted Bundy (left), Assistant Director, and Commission member, Dr. Ezra Stotland, (right).

WEST SEATTLE COMMUNITY RESOURCE CENTER

In the six month period from May 1 to October 1, 1972, the Resource Center has had received over 1500 incoming calls and over 700 personal visits. In addition, over eighty juveniles have had conferences with the counselors. At the Center there have also been a number of drop-ins and phone calls from people seeking help who have heard of the Center through newspapers, word of mouth or speaking appearances by Center staff. The Center has provided speakers on the Criminal Justice System for many local organizations and received an excellent response indicating the interest in this current topic. Also the Center has served as a base for about twenty Neighborhood Youth Corps during the summer. The young people in the Corps provided approximately 4500 hours of community service.

The public has indicated that they are more comfortable receiving assistance in the informal location of the Resource Center. They often call on the Center when problems arise. The staff consists of a full time State Parole and Probation Officer, full time Municipal Probation Officer, part time King County Probation Officer, part time Mental Health Counselor and Psychologist (one each) and two Juvenile Court Counselors. The Center staff feels that the informal surroundings has aided them in assisting and rehabilitating their clients. All of the agencies involved agree on the need for, and the value of the work at the Center--the problem now is to fit it into already strained budgets. (Mary Van Fredenberg, a Crime Commission Staff Assistant, has served as coordinator and manager of the Center during all of 1972.)



Seattle Times Reporter, Mike Wyne discusses final draft of the revised "Stop Crime" booklet with Commission Director, Tom Sampson.

ASSAULTS AGAINST WOMEN

In April of 1972 a conference entitled "Speak Out On Rape" was held in Seattle. A cross section of women of varying backgrounds and ages organized and attended this conference to hear and present studies and testimony on a subject that is arousing an increasing amount of public concern.

Recognizing the growing interest in the control and prevention of assaults against women and having received information that the reported incidents of such crimes has increased greatly during 1972, the Seattle Crime Commission has decided to take an active role in this area. The Commission has been invited to participate with the Evergreen Safety Council's Women's Committee and a number of women's groups from Seattle and throughout the State in an initial planning session designed to deal with the subject of women's safety. Among the topics to be examined are: who are the victims; how can women be educated to protect themselves; can laws in this area be changed to eliminate prosecutive problems; and how can reporting of such assaults be increased.

Ultimately this joint effort will produce a comprehensive, city-wide program of action to reduce the incidents of assaults against women. The findings of the groups involved together with their proposals are scheduled for presentation sometime in February at a symposium co-sponsored by the Crime Commission.

Those who wish to make a contribution to this effort are urged to contact Dorothy Gilmour of the Evergreen Safety Council or the Seattle Crime Commission office as soon as possible.

This bulletin is published monthly by the Seattle Crime Prevention Commission. If you wish to receive it regularly, contact: Tom Sampson - 583-6530.

SEATTLE CRIME PREVENTION COMMISSION

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FREDRIC C. TAUSAND, *Chairman*
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THE ZERO-IN PROJECT

Starting in January, 1972, the Crime Prevention Commission and the Seattle Police Department initiated, in two areas of Seattle, intensive experimental programs designed to substantially reduce neighborhood and street crimes against personal safety and property. The two areas chosen for this project were the Mt. Baker area and the Capital Hill area, because of the high incident rate of crime and because of the active community councils operating in the areas.

A substantial amount of time was required in organizing all the groups involved, instituting the various programs and coordinating these efforts. As a result, it was decided to make the Mt. Baker area the Commission's primary point of interest, and with the cooperative efforts of Captain William Rhodes, of the Seattle Police Department; Fredric C. Tausand, Chairman of the Seattle Crime Prevention Commission; and the Mt. Baker Community Club, the program is making good headway with a lot of enthusiasm on everyone's part.

At the present, two major projects are being initiated in the Mt. Baker area. These are Operation Identification (the engraving of all household valuables with one's driver's license number for deterrent purposes or aid in the recovery of the articles, if stolen, and the formulation of a Juvenile Court Conference Committee.

On Capital Hill, elections have taken place in the Community Council and the community is now ready to begin its involvement with the project.



Commission Staff Meeting: (l. to r.) Wayne Lieb, Tom Sampson, Jeff Hammarlund, Joe Voiland.

CITIZEN INVOLVEMENT

The field of prisons and probation afford a critical opportunity for concerned citizen involvement.

If crime is to be reduced, we must improve the criminal justice system where the people are.

The historic process of punishment has been counterproductive and yields no social benefits.

Citizen groups should become aware of correction institutions in the state, city and county and redesign the institutions from warehouses for social cargo to catalysts for reform.

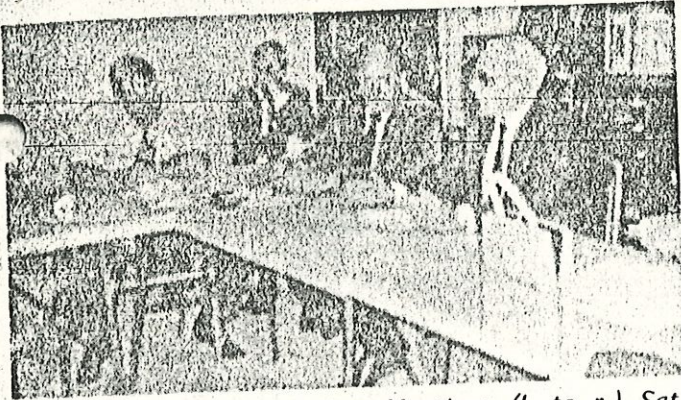
Citizens must become aware of the criminal codes at the state and local levels and support change to provide a rational legal system of criminal penalty.

Local communities must provide job opportunities for discharges from the prison system.

Finally, community based corrections must replace prison walls as much as possible. This can only happen with broad citizen involvement.

Robert J. Block, Chairman
Committee on Prisons and Parole
Seattle Crime Prevention Commission





Recent Crime Commission Meeting: (l. to r.) Sgt. John Holberg (Community Relations - SPD Officer), George Foster, (Seattle P-I), and Commission members Robert Block and Ezra Stotland.

SPECIAL NOTICE

All future Crime Commission meetings will be held at the 3rd Floor Commission Room of the Municipal Building. (5th and James)

All meetings during 1973 will be held on the fourth Thursday of every month starting at 3:00 P.M.

If you wish to be informed of future meetings, please call the Commission Offices at 583-6530.

**SEATTLE CRIME PREVENTION
ADVISORY COMMISSION
324 - 2ND & CHERRY BUILDING
SEATTLE, WASHINGTON 98104**

TIELSCH - THE DECISION TO STAY

George Tielsch, Chief of the Seattle Police Department, gave a Christmas present last week to his men and to the citizens of Seattle - his decision to stay on as the city's police chief.

Since Tielsch took command of the police force a couple of years ago, much has been done to rebuild the morale of a formerly demoralized department and the image of the Seattle Police has improved considerably.

Recently, there was some speculation that Tielsch would accept a job as Chief of the Santa Ana Police Department and that's exactly what it turned out to be - speculation.

Tielsch's decision to stay was welcomed by his men and many Seattle citizens.

The Crime Commission looks forward to a year of close cooperation with the Police Department and with Chief Tielsch during 1973.



Merry Christmas

**BULK RATE
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Seattle, Wash.
Permit No. 1623**

EA 5-5550

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s in emotional crisis; information and re-
appropriate agencies for needs.

LA 4-7404 (24 hr. service)

squad.

and Saturday evenings)
times; counseling, especially about medical
women to accompany the victim during ex-
ing by police, and proceedings in court;
likelihood of being raped.

ND REFERRAL CENTER

MA 3-8380

educational information for both alcoholic

CENTER

EA 9-5560

housing, employment, juvenile problems,

EA 9-8500

shop. Trainees are paid \$1.75 per hour.
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ENT

King County: AT 4-3660

economically deprived children; includes

VMS

LA 2-0220

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STRIALIZATION CENTER (SOIC)

422-1161

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RTMENT

583-2754

and quality among Seattle citizenry. Con-
pliance and employment.

ORTUNITY COMMISSION

442-4386

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464-7035

is in state government.

UNITY

442-4910

Building
programs designed to reduce poverty and
me and disadvantaged.

EA 5-9800

N SERVICES

464-6206

and educational training programs for

WES UHLMAN
Mayor

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The preparation of this report was aided by the Washington State Planning Agency through a federal grant from the Law Enforcement Assistance Administration of the U.S. Department of Justice, authorized under Title 1, Public Law 90-351, May, 1971. Grant 71-DF-500. Ron Quist, Program Director.

Credit for the use of this cover goes to Officer Howard Roach of the Community-Relations Division of the Seattle Police Department. Cover designed by Lois Nagamatsu.

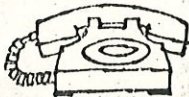
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**Seattle Crime
Prevention Advisory
Commission**

34-5252

325-3961



**Information
Center**

**Seattle Rumor
Center**

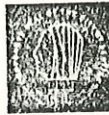
Publication of
Prevention Advisory Commission

Thomas G. Sampson

of work on the contents of this brochure and Joe Voiland, crime commission staff member Eberlein, Mr. Virgil Sheppard, and the Commission Committee to rewrite

to thank Mike Wyne, crime-fighting commission staff for the original writing of this edition before it went to press, and his improvement.

TOM SAMPSON, Editor



OFFICE OF THE MAYOR—CITY OF SEATTLE

Wes Uhlman, Mayor

December 21, 1972

During the past three years, the reduction of crime in Seattle has been one of my highest priorities. It is gratifying to note that the efforts of citizen groups, including the Seattle Crime Prevention Advisory Commission and the Association of Community Councils, have cooperated with our Police Department and achieved a significant decrease in crime.

Of course, some criminal activity still exists in our city. We can never be assured complete safety from those who would violate our laws. But there are some simple, effective steps that you can take to protect your family and property.

This new edition of the "Stop Crime" brochure, published by the Seattle Crime Prevention Advisory Commission, will inform you of those steps so you can prevent crime. I hope that you will take the time to read the brochure's recommendations.

Through your efforts and through effective police work, we can make Seattle a safer city and a great place in which to live.

Sincerely,

Wes Uhlman
Mayor

WU:spl

RESIDENTS

tude of crime in America. We hear of d seemingly inevitable consequences me as being a part of our society and the hope of removing ourselves and blem.

We cannot escape crime and we can- t agencies to work in a vacuum. Law support and assistance. It is left to "joiners" and participate in the local council or service club. However much ants succeed toward reducing crime,

by the problems of our city and our not the type of person who believes et change, then don't just criticize —

steps that can be taken to reduce r car always locked and the keys re- How well lighted is your home when ys know where your children are? dditional steps you can take to help e J will seriously consider these

one of us can do is important.

GEORGE P. TIELSCH
Chief of Police

DRUG ABUSE

When we use the term "drug abuse" we tend to think only of the illicit drugs: marijuana, LSD, heroin or the amphetamines abused by the "speed" freak. But it is also the adult who may start his day with an amphetamine for a "pick-me-up," end it with several drinks to "unwind" and a barbiturate to put him to sleep.

Our culture teaches us that we can obtain instant relief from tension and stress. Permission to do so is constantly reinforced by advertising and the media.

The problem of drug abuse is an emotionally charged one for most people and many parents feel frustrated in their attempts to communicate effectively with their children.

Some concrete suggestions

Avoid Panic. A panic reaction expressed to the young person who may be using illicit drugs can only serve to alienate him and to confuse what should be straightforward and objective help. It is important to be non-judgmental in discussing drugs. Be calm and informative. Teenagers are entitled to honest and accurate answers about drugs and their effects.

Use of scare techniques is usually ineffective because the teenager's direct knowledge frequently contradicts sensational accounts of drug abuse.

An attitude of active suspicion will not eliminate the problem. What this will do is certainly destroy the climate of trust and confidence essential to open dialogue and discussion.

Keep the lines of communication open. Encourage an atmosphere of understanding toward the young person's point of view. He is engaged in the painful process of growing up and needs to have confidence that adults are making a genuine effort to listen to his very real problems.

Communication between parent and child does not always imply agreement. It does imply respect for the young person as an individual and shows interest and a mutual sharing of concerns on the part of the adult.

One way of showing concern is to accompany the young person to obtain factual information and, if necessary, to seek professional help. This information and help may not be available from the family physician. It is readily available at many crisis intervention centers, free clinics and similar organizations in our community.

HITCHHIKING SAFETY TIPS

The Seattle Crime Prevention Commission recognizes hitchhiking as a legitimate method of transportation. However, any person who hitchhikes or picks up hitchhikers should be aware of the following hitchhiking safety tips:

- Avoid hitchhiking between 10 p.m. - 4 a.m. Most crimes committed against or by hitchhikers occur between the hours of 10 p.m. - 4 a.m.
- If you are a woman, never hitchhike alone.
- Use careful judgment about who you accept a ride with or give a ride to.
- Avoid hitchhiking too near to freeway entrances.
- Avoid hitchhiking in areas where a traffic problem might be created by your presence.

KING COUNTY DEPARTMENT OF PUBLIC SAFETY
INTER-OFFICE MEMORANDUM

DATE: Mar 27, 73

TO: CAPT THOMAS

VIA: _____

FROM: SGT DAVID H JOLLY

SUBJECT: MEMO FROM JOE BURNSTIN

I concur with Mr. Jensen's report which is attached. I am particularly concerned with the FBI's attitude about the Law & Justice Planning Office's "right to know". If, as Mr Burnstin's letter implies, the FBI has no objections to Law & Justice receiving this information; why involve this Department? They could request and receive the information direct. If the FBI has no objection to Law & Justice receiving the information from us but will not send it direct, I feel that leaves use in a rather dubious situation. However, if we receive written confirmation from the FBI of Law & Justice's "right to know" they could hardly object at some later date.

This project involves a considerable number of persons (about 1,000) and we will not have control over the use of this information after it is released. Recent court decisions concerning the citizen's right to privacy raise the question of department liability. If persons involved in this study (subjects of the study) should raise legal objections what would be our position reference the courts and the FBI?

If we proceed with this project R&I can separate the requested rap sheets from our own, but should we simply release these rap sheets to Law & Justice? If not Law & Justice would have to secure what information they needed here and R&I would then either discard them or update our own files which would involve microfilming them all.

Handled
Correspondence

KING COUNTY DEPARTMENT OF PUBLIC SAFETY
INTER-OFFICE MEMORANDUM

DATE: March 27, 1973

TO: CAPTAIN RICHARD E. THOMAS

VIA: CHAIN OF COMMAND

FROM: ERNEST JENSEN

SUBJECT: MEMO FROM JOE BURNSTIN

Regarding the attached memo from Joe Burnstin, Law and Justice Planning Office:

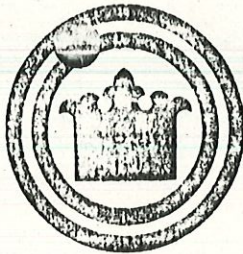
First of all, let me say that we want to assist any agency engaged in law enforcement work. This particular proposal, however, wherein the Law and Justice Office would submit a list of names (30 to 50 at one time and 500 to 1,000 total) to this department, and we would submit them to the FBI and receive rap sheets from the FBI, then turn them over to the Law and Justice Office would necessitate a substantial amount of time being expended by us. The returns would most likely not come in at one time but would straggle in with possibly nothing to indicate that they were for the planning office or for us.

Special Agent Milnes was quoted as saying that "as long as the requests were made by the Dept. of Public Safety and were examined in a strictly confidential atmosphere" he was confident no problem would be encountered. That is very true, because the FBI will accept requests from any law enforcement agency and, of course, the records are confidential.

If the Law and Justice Planning Office is recognized by the FBI as a police agency then there would be no reason why the requests could not go directly from them to the FBI and be returned to them from the FBI. Bringing the identification section into it is meaningless. On the other hand, if the FBI should not recognize them as a legitimate agency and will not send them the records, then we would be violating the trust of the FBI by furnishing such records to the Law and Justice Planning Office.

The thinking here is to simplify the procedure for both agencies as we do not need the up-dated rap sheets in question to the extent of putting the time into such a project. The answers to the above can be obtained only from the FBI Identification Division in Washington, D. C. I would be happy to communicate with that agency to determine if they will accept requests for up-dated records directly from the Law and Justice Planning Office if it is wished that I do so.

One (1) Attachment



King County State of Washington
John D. Spellman, County Executive

Joseph L. McGavick, Director
Department of Budget
and Program Planning

Room 400 King County Court House
Seattle, Washington 98104
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March 22, 1973

M E M O R A N D U M

TO: CAPTAIN RICHARD THOMAS ✓
ERNIE JENSEN
Bureau of Records, Identification
and Communication, DPS

FROM: JOE BURNSTIN *SJB*
Law & Justice Planning Office

In an attempt to determine if the FBI would comply with the request for updated FBI rap sheets on offenders being tracked by Law & Justice Planning, a phone contact was made with J. Earl Milnes, Federal Agent in Charge, Federal Bureau of Investigation in Seattle.

Theodore Bundy, project consultant conducting the recidivism study, outlined the nature of the study to Mr. Milnes. Mr. Bundy then summarized the anticipated problems that persons in the King County Department of Public Safety's records and criminal identification area had communicated to him.

1. Would the Bureau refuse to send updated rap sheets for offenders being studied but not in custody?

Mr. Milnes was confident no problem would be encountered. It seemed like a legitimate request to him. The fact that the purpose of the update was research was no hindrance as long as the requests were made by the Department of Public Safety and were examined in a strictly confidential atmosphere.

2. Would the volume of reports requested present a problem?

Mr. Milnes was informed that the total number of requested reports would number between five hundred and one thousand. While the total number was not prohibitive, Mr. Milnes suggested that 30 to 50 reports at a time be requested for convenience sake.

Memo to Captain Richard Thomas and Ernie Jensen
March 22, ~~1973~~
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3. What would be the format for requesting reports?

Mr. Milnes recommended that the name of the offender, his FBI number and, where no FBI number is available, his arrest number in police file be listed. The letter might simply ask that current reports be issued on the following list of 30-50 individuals.

We believe Mr. Milnes' response to be encouraging but certainly not conclusive and shall attempt to have his statements substantiated by the Bureau's Criminal Identification Section itself. At this time, it appears such a request would be honored.

While at the same time attempting to obtain current reports on the offenders in our study, we are not oblivious to the problems this transaction could cause personnel in the Department's records section.

To minimize the impact, we propose the following. The King County Law & Justice Planning Office would prepare the letter and the list of offender names and numbers to be submitted to Public Safety. In turn, Public Safety would send it to the FBI. When the rap sheets were returned, the researcher conducting the study would file reports in the appropriate folder after recording the arrest information contained thereon.

We would like to encourage your response to Mr. Milnes' comments and our proposal.

Thank you for your help.

EJB:TRB:jkm

cc: Sheriff Waldt
Chief Booth

KING COUNTY RECIDIVISM STUDY

SUMMARY OF PROBLEMS AND ALTERNATIVES

PROBLEMS

1. No Offender Characteristics Correlated. Demographic and socio-economic information on offenders is not collected by either the police or the courts. Limited information of this nature does appear in the files of the Probation Service beginning in 1970. Therefore, the construction of offender profiles concerning the kinds of persons benefit or do not benefit from corrections services, based on 1969 records, is not possible at this time. 1970 records would permit only a 1-2 year follow-up period.
2. Criminal Records Incomplete and Out-of-Date. Most files have shown no activity for several years. Since this might reflect a person's movement out of the area or an arrest by one of the other 31 arresting jurisdictions in the county, FBI reports should be obtained. However, it should be recognized that even current FBI rap sheets often omit dispositions of arrests and actual jail time served due to failure of contributing agencies.
3. Receipt of Updated FBI Reports Unlikely. Still the best source of information available, the FBI reports would not be easily obtainable. Records personnel, who deal with the FBI on a day-to-day basis, believe that requests for several hundred reports would be denied, and would refuse to do so without special authorization. Suggest Law & Justice contact FBI direct.

ANTICIPATED RESULTS GIVEN CURRENT RESTRICTIONS

Inadequate and out-of-date information will show fewer guilty arrests over a period of time than is actually the case. Particularly distorted will be the period of follow-up, a period during which data on criminal behavior seems least available.

In addition, without complete data on the offender himself, there is some question about the applicability of these findings. The sole accomplishment may be the generation of unusable information. Lacking demographic and socio-economic information, it will be difficult to determine what the needs of the misdemeanor population are (education, vocational rehabilitation, family counseling, incarceration, nothing?).

The findings that would be extracted from such a poor data base (e.g., "people with longer arrest records are more difficult to correct," and "minority offenders have the highest rate of recidivism") would amount to a restatement of existing social

scientific research and would not aid substantially in understanding the offender in King County and the development of policies toward him. "We need more information but believe we have definitely identified a recidivism problem in King County," would be an inevitable conclusion. (A conclusion recently reached by Battelle after following 7,000 cases over a five-year period.)

Until county-wide, state-wide, and nation-wide reporting of criminal careers is in operation and accessible to the researcher, and until the district courts in King County adopt a centralized automated data file, no comprehensive recidivism data will be available.

ALTERNATIVES AND RECOMMENDATIONS

The King County Office of Law & Justice Planning has available to it any combination of the following options:

1. Complete the current study in spite of the stated limitations.
2. Select a study format that does not approach recidivism as scientifically but begins to answer the question of what is effective and who recidivates. For instance, a small sample could be selected and the subjects given personal interviews about their evaluations of various elements of the Bureau of Corrections as ex-clients. Interviews could be limited to recidivists in the jail populations. Another area of investigation would be probation records. Here one might attempt to identify racial, age, occupation, family, medical categories, etc. which seem to be characteristic of the probation population.
3. Seek to obtain financial and other support for the development and implementation of information systems that eventually will permit the proper study of recidivism. A grant allowing the incorporation of the district court system into the Sea-King System and the exertion of pressure on the proper authorities to accelerate the implementation of the State Bureau of Criminal Identification, represent activity leading to such a goal.

KING COUNTY RECIDIVISM STUDY

PROGRESS REPORT

March 16, 1973

PREFACE

The observations contained in this progress report are based upon experiences gained while gathering approximately 220 cases from Seattle and Airport District Courts over the past two weeks. These cases have been traced through the files of the King County Department of Public Safety's Records and Identification Division. Statistics on these cases are currently being manually tabulated. The preparations and pre-testing of this study design have uncovered some restrictions which threaten the very credibility and applicability of the anticipated findings of such an effort. This report was written to expose some of them.

INTRODUCTION

Studies in recidivism rarely make mention of the problems encountered in locating records on a given study population's detected criminal behavior. Rarely, also, do they discuss the quality of the information gathered. Is it complete? Is it current? When such topics are covered it is almost in a passing manner, and usually after an impressive display of recidivism statistics.

Among professionals in criminal justice, the limitations of information keeping systems and hence the qualified reliability of recidivism data is well known. One just does not put it in

print, apparently. Therefore, after a practical expedition into the area, it is the conclusion of this writer that recidivism studies must be viewed with great skepticism, and, indeed, that the whole concept of recidivism is rendered almost meaningless due to the inefficiency of reporting and record keeping systems.

To support this conclusion, problems arising directly out of the examination of the King County court and police files will be presented, but, first, perhaps, the design and objectives of the study should be restated.

The Setting. The County contains 12 district courts, courts of limited jurisdiction. The State District Court Activity Report shows that in 1969, 1970, and 1971, an average of 5,000, non-traffic misdemeanor cases were filed in these 12 courts.

The King County Department of Public Safety operates a Bureau of Corrections which offers several corrections/rehabilitative services: work release, jail rehabilitation, and probation services. Persons found guilty of a criminal offense in district court are often referred to the Bureau of Corrections for supervision and treatment.

The Questions. When asked to measure the effectiveness of the available corrections services in treating offenders referred by district court, the following questions must be asked:

After a person has been sentenced for a misdemeanor offense, at what rate does he commit crimes (guilty arrest/time not incarcerated) and what is the nature of these crimes (felony, misdemeanor, property offense, personal offense, sex offense, etc.) subsequent to sentencing?

Is the rate greater, equal to, or less than the rate of detected criminal behavior before the offender was tried in district court and supplied with corrections service?

Do offenders receiving such service show changes in rates of criminal activity different from those not given these services?

Do the serviced and not serviced groups differ in demographic, socio-economic, and criminal history characteristics?

Finally, given before and after rates, can demographic, socio-economic, criminal history variables be associated with those who may benefit from a corrections service (reduced rate of recidivism) and those who do not (same or increase rate)?

Recidivism will be defined as habitual relapse into crime and will be used to describe the act(s) of one person committing two or more criminal offenses.

The Design. In general, this study is archival. It attempts to search (empirically) existing court and law enforcement files to answer some of the questions outlined above. The reader is referred to the "Preliminary Research Proposal" of January 26, 1973, for additional information on design. In calculating a recidivism rate the following formula will be used:

Guilty arrests divided by time (minus length of periods of incarceration) plus a factor for the seriousness of the offense(s) committed.

PROBLEMS WITH STUDY

The problems with any study of the courts or law enforcement agencies are common and numerous. The discussion here, however, will dwell on only those factors which place in serious jeopardy the question of this study's accuracy and reliability.

As the discussion progresses, keep in mind the questions previously listed, the answers to which determine corrections programs' effectiveness.

DATA COLLECTION POINT I - THE COURTS

While the distribution of courts and autonomous record keeping systems around the County represents an inconvenience, it is not a critical factor relating to data quality. And it is data quality that is most in question.

Until now, cases have been selected and information recorded from the criminal court dockets. Large, chronologically ordered volumes, containing a summary of the cases and judgments. Evidence has recently been found to suggest that specific conditions of suspended and deferred sentences (e.g., probation, community service, etc.) are not entered in the docket. This may require a search of each court file to identify other conditions attendant to a sentence.

Specifically, with 220 cases collected, only three appear to have been referred to the King County Probation Services Division. If trend continues, conclusions about program effectiveness will be difficult to make. Therefore, in addition to searching court files, the client card files of Probation Service must also be used to determine if more cases have actually been referred.

DATA COLLECTION POINT II - POLICE AGENCIES

Comments regarding the quality of information contained in the files of the King County Department of Public Safety should not be interpreted as a judgment of the ability of the Records and Identification Section to handle records. To the contrary, the system within the Department is very efficient, although the conversion from paper files to automated microfilm system will be an improvement of the current arrangement. The problem with the quality of records is part of a lack of adequate regional and national information keeping and tracing.

The greatest, most severely limiting factor confounding the potential results of this study of recidivism is the completeness of the information in any given file. The following questions should be asked to determine if a file is complete:

Do all arrests through the present appear in the file?

Where arrests are shown, do all court dispositions following those arrests also appear?

Where an offender was sentenced to serve jail or prison time, can it be determined how much time he actually served before he was released.

Frequency of arrest with dispositions and the amount of time available to commit offenses are critical in determining accurate rates of criminal behavior. Indications are, following examinations of police files, that the answer, in most cases, to the above questions, is no. For example, in 37 of the 220 cases examined thus far, the arrest leading to the very court case selected was not followed by a disposition. The file gave the indication only that an individual had been arrested. Yet in these 37 cases, the offender had been tried and convicted over three years ago.

PROBLEM: DISPOSITIONS MISSING

The first question of completeness involves the omission of dispositions from the information in the police file. Conversations with personnel in law enforcement and criminal identification agencies underscores the finding of unreported, unrecorded dispositions. The consensus is that the absence of dispositions is more likely due to failure of the arresting agency to report them than due to the fact that the suspect was released uncharged or found not guilty.

RESULT

An offender will appear to have a lower rate of conviction (guilty arrests) both before and after his district court trial than he actually did.

REMEDY

Where dispositions are not shown, write to the arresting agency and request missing information.

PROBLEM: JAIL TIME NOT CALCULABLE

Periods during which an offender is incarcerated cannot be included in the determination of recidivism rates. He is simply not available to commit new crimes.

Such time must then be subtracted. However, this presents two problems. First, as has been discussed, because the disposition may not have been reported, the fact that an offender was incarcerated may not be known. Second, in those cases where imprisonment has been reported the period actually detained before release might not be given.

RESULT

Because the offender was imprisoned, he will appear to have committed fewer offenses, as a function of time, than he actually did.

Again, the offender will appear to have decreased his rate of criminal behavior when such was not the case.

REMEDY

Where a prison or jail sentence has been imposed, request from the penal institution the actual amount of time served.

PROBLEM: FILES NOT CURRENT

While FBI reports appear in all but two of the 220 cases, most of these were requested in 1969, the time of the court case selected for study. 163 showed no additional reports. None of the 220 cases were updated. Must it be assumed that since 163 persons have no record in the King County file beyond 1969 that they have engaged in no further criminal activity?

No one expects to track down every arrest on every offender in this study. The error can be minimized, however. To begin with, there is no county wide reporting and record keeping system for the 31 arresting agencies functioning here. The State's Bureau of Criminal Identification will require several years to become operational; there is no state wide system. The FBI maintains the only national files to which agencies in Washington have access. The question is: why do we need national data on misdemeanants; aren't King County's and Seattle's files complete.

The FBI's Uniform Crime Reports indicate that between 50-55% of felons with more than one arrest have arrest records in more than one state. 23% of the present sample of 220 have

arrest records in other states.

Further, 57% of that sample have prior records as felons. It is becoming clear that the definition of a misdemeanor is a temporary, and insufficient one. Since a sizable number of the test sample of persons are both felons and misdemeanants, and since this society is noted for the mobility of its members, it would be unwise to rely on local data only.

RESULT

Measurement will be low, especially during the period of the follow-up, 1969-1973, since most of the files have not been updated.

REMEDY

Captain Thomas and Ernie Jensen of the Records and Identification Division in King County believe that the FBI would refuse to send large numbers of updated reports should they be requested. They both expressed a fear that the Bureau suspend Public Safety's access to FBI reports if requests were made in this manner for persons not in custody. Captain Thomas suggests that the FBI be contacted directly by Law & Justice Planning or someone else in the county administration to explain the project and request special authorization.

TRB:jkm